



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,577	09/27/2001	Ryoichiro Uehara	05711.0122	9686

7590 03/31/2005

Finnegan, Henderson, Farabow,  
Garrett & Dunner, L.L.P.  
1300 I Street, N.W.  
Washington, DC 20005-3315

EXAMINER

BRITTAIN, JAMES R


ART UNIT

PAPER NUMBER

3677

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

 <b>Interview Summary</b>	<b>Application No.</b> 09/963,577	<b>Applicant(s)</b> UEHARA ET AL.	
	<b>Examiner</b> James R. Brittain	<b>Art Unit</b> 3677	

All participants (applicant, applicant's representative, PTO personnel):

- (1) James R. Brittain. (3) \_\_\_\_\_  
 (2) F. Leslie Bessenger III. (4) \_\_\_\_\_

Date of Interview: 24 March 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference  
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
 If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: 1.

Identification of prior art discussed: The art utilized in the rejection of claim 1.


Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
 Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

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Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr. Bessenger contacted me to discuss proposals to amend claim 1 to overcome the rejection under 35 U.S.C. 112, second by utilizing the first, second and third to differentiate the butting portions and accompanying straight portions on the two side faces and front and rear surfaces. I agreed that such a proposal along with accompanying changes in the portion of the claim describing the notches would appear to overcome the 112, second rejection. While broad agreement was reached, the proposals were extensive and could only be discussed verbally over the phone, there was no final text for me to read and review so there could be no final agreement. Additionally, Mr. Bessenger discussed the portion of page 15 of applicant's specification describing the advantage of the trapezoidal shape and how this is different from the teaching of the applied Krauss patent. We agreed that placement of convex/concave portions between the insertion legs would define structure clearly different from the Krauss patent, be in accordance with the advantages stated in page 15 of the specification and avoid the combination of references as applied. While we agreed on this point, Mr. Bessenger chose not to commit to such an amendment at this time and would consider what direction he to go in.

LAW OFFICES  
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**FACSIMILE TRANSMITTAL**

To: James R. Brittain  
Firm: USPTO  
Fax No.: (703) 746-3650 Phone No.: 703-308-2222  
Application No. 09/963,577  
Confirmation No. 9686  
Subject: Atty. Doc. 05711.0122 Date: March 14, 2005

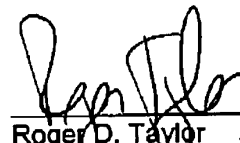
From: Roger D. Taylor Phone No.: 404-653-6480  
Fax # Verified by: taw No. of Pages (incl. this page) 3

Confirmation Copy to Follow: No

**Message:**

**CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8**

I hereby certify that the attached paper, "**Authorization To Act In A Representative Capacity**" is being transmitted by facsimile to the U.S. Patent and Trademark Office on the above-identified date.

  
\_\_\_\_\_  
Roger D. Taylor  
Reg. No. 28,992

RDT/taw

If there is a problem with this transmission, notify fax room at (202) 408-4174 or the sender at the number above.

This facsimile is intended only for the individual to whom it is addressed and may contain information that is privileged, confidential, or exempt from disclosure under applicable law. If you have received this facsimile in error, please notify the sender immediately by telephone (collect), and return the original message by first-class mail to the above address.

PATENT  
Customer No. 22,852  
Attorney Docket No. 05711.0122

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Ryoichiro UEHARA et al.	)	Group Art Unit: 3677
	)	
Application No.: 09/963,577	)	Examiner: J. R. Brittain
	)	
Filed: September 27, 2001	)	
	)	
For: BUCKLE	)	Confirmation No.: 9686

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**AUTHORIZATION TO ACT IN A REPRESENTATIVE CAPACITY**

The practitioner named below is authorized to conduct interviews and has the authority to bind the principal concerned. Furthermore, the practitioner is authorized to file correspondence in the above-identified application pursuant to 37 C.F.R. § 1.34.

Name	Registration No.
F. Leslie Bessenger III	39,108

**This is not a Power of Attorney to the above-named practitioner.**

Accordingly, the practitioner named above does not have authority to sign a request to change the correspondence address, a request for an express abandonment, a

**Serial No.: 09/963,577**  
**Attorney Docket No.: 05711.0122**

disclaimer, a power of attorney, or other document requiring the signature of the Applicants, assignee of the entire interest or an attorney of record.

The above-identified application is currently associated with FINNEGAN, HENDERSON, FARABOW, GARRETT, & DUNNER, L.L.P., Customer No. 22,852, with respect to correspondence address and Power of Attorney.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: March 14, 2005

By: 

Roger D. Taylor  
Reg. No. 28,992